

Amendments to the Claims:

This listing of the claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1 (Currently Amended): A non-aqueous electrolyte secondary battery comprising:

a negative electrode;

a positive electrode including a positive electrode active material capable of storage and release of lithium; and

a non-aqueous electrolyte, wherein

said positive electrode active material has a rock-salt structure containing lithium and is composed of an oxide containing magnesium electrochemically substituted for part of lithium.

2 (Original): The non-aqueous electrolyte secondary battery according to Claim 1,

wherein

said oxide is a lithium transition metal complex oxide expressed by a composition formula of $\text{Li}_a\text{Mg}_b\text{M1O}_2$, where $a + 2b = 1$, $0 < a < 1$, and $0 < b < 0.5$, and where M1 is a metal of at least one type selected from the group consisting of cobalt, manganese, iron and nickel.

3 (Original): The non-aqueous electrolyte secondary battery according to Claim 1,

wherein

said oxide is a lithium transition metal complex oxide expressed by a composition formula of $\text{Li}_a\text{Mg}_b\text{CoO}_2$, where $a + 2b = 1$, $0 < a < 1$, and $0 < b < 0.5$.

4 (Canceled)

5 (Original): The non-aqueous electrolyte secondary battery according to Claim 1,

wherein

said magnesium is electrochemically substituted for said part of lithium in said oxide using a non-aqueous electrolyte including an imide salt or a sulfonate in which a cation is magnesium.

6 (Original): The non-aqueous electrolyte secondary battery according to Claim 1, wherein

said magnesium is electrochemically substituted for said part of lithium in said oxide using a non-aqueous electrolyte including a sulfonyl imide salt in which a cation is magnesium.

7 (Currently Amended): A positive electrode active material capable of storage and release of lithium,

having a layered rock-salt structure containing lithium, and being composed of an oxide containing magnesium electrochemically substituted for part of lithium.

8 (Original): The positive electrode active material according to Claim 7, wherein said oxide is a lithium transition metal complex oxide expressed by a composition formula of $\text{Li}_a\text{Mg}_b\text{M1O}_2$, where $a + 2b = 1$, $0 < a < 1$, and $0 < b < 0.5$, and where M1 is a metal of at least one type selected from the group consisting of cobalt, manganese, iron and nickel.

9 (Original): The positive electrode active material according to Claim 7, wherein said oxide is a lithium transition metal complex oxide expressed by a composition formula of $\text{Li}_a\text{Mg}_b\text{CoO}_2$, where $a + 2b = 1$, $0 < a < 1$, and $0 < b < 0.5$.

10 (Canceled)

11 (Original): The positive electrode active material according to Claim 7, wherein said magnesium is electrochemically substituted for said part of lithium in said oxide using a non-aqueous electrolyte including an imide salt or a sulfonate in which a cation is magnesium.

12 (Original): The positive electrode active material according to Claim 7, wherein said magnesium is substituted for said part of lithium in said oxide using a non-aqueous electrolyte including a sulfonyl imide salt in which a cation is magnesium.

13 (Withdrawn): A method of manufacturing a positive electrode active material comprising the step of electrochemically substituting magnesium for part of lithium in an oxide having a layered rock-salt structure containing lithium.

14 (Withdrawn): The method of manufacturing a positive electrode active material according to Claim 13, wherein

 said step of substituting includes the steps of:
 preparing a cell in which a negative electrode and a positive electrode including said oxide are disposed in a non-aqueous electrolyte including a lithium salt;
 extracting said part of lithium in said oxide by discharging said cell;
 after extracting said part of lithium in said oxide, replacing the non-aqueous electrolyte including a lithium salt with a non-aqueous electrolyte including a magnesium salt; and
 after said replacement of non-aqueous electrolyte, inserting magnesium into said oxide by discharging said cell.

15 (Withdrawn): The method of manufacturing a positive electrode active material according to Claim 13, wherein

 said oxide includes a lithium transition metal complex oxide, and said transition metal includes at least one type of metal selected from the group consisting of cobalt, manganese, iron, and nickel.

16 (Withdrawn): The method of manufacturing a positive electrode active material according to Claim 13, wherein said oxide includes lithium cobaltate.

17 (Withdrawn): The method of manufacturing a positive electrode active material according to Claim 13, wherein

 said step of substituting includes the step of electrochemically substituting magnesium for said part of lithium in said oxide using a non-aqueous electrolyte including an imide salt or a sulfonate in which a cation is magnesium.

18 (Withdrawn): The method of manufacturing a positive electrode active material according to Claim 13, wherein

 said step of substituting includes the step of electrochemically substituting magnesium for said part of lithium in said oxide using a non-aqueous electrolyte including a sulfonyl imide salt in which a cation is magnesium.